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Attorneys for Defendant Alpine Fire Protection
District

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

JIM MAXWELL and KAY
MAXWELL, individually and as
guardians of TREVER ALLEN BRUCE
and KELTEN TANNER BRUCE; and
JIM MAXWELL, as executor of the
ESTATE OF KRISTEN MARIE
MAXWELL-BRUCE,

Plaintiffs,

vs.

COUNTY OF SAN DIEGO; ALPINE
FIRE PROTECTION DISTRICT;
VIEJAS FIRE DEPARTMENT;
DEPUTY LOWELL BRYAN "SAM"
BRUCE; DOES 1-50,

Defendants.

Case No. 07 CV 2385 JAH WMc

[Assigned to Judge Hon. John A.
Houston]

**NOTICE OF MOTION TO DISMISS, BY
DEFENDANT ALPINE FIRE PROTECTION
DISTRICT**

Date: February 19, 2008
Time: 2:30 p.m.
Ctmm: 11

Complaint Filed: December 19, 2007

PLEASE TAKE NOTICE that, on February 19, 2008, at 2:30 p.m. or as soon
thereafter as the matter may be heard, defendant Alpine Fire Protection District will
present a motion to dismiss the complaint in this action as against it for lack of
federal jurisdiction, under *F.R.C.P.* 12(b)(1) or 12(b)(6). The motion will be heard
before the District Court for the Southern District of California, courtroom 11,
located at 880 Front St., San Diego, California 92101-8900.

1 This notice is served and filed with a separate “Memorandum of Points and
2 Authorities in Support of Motion to Dismiss by Defendant Alpine Fire Protection
3 District.”

4 Dated: January 10, 2008

HAIGHT BROWN & BONESTEEL LLP

5
6 By: /S/ Stephen M. Caine

7 Kevin Osterberg
8 Stephen M. Caine
9 Attorneys for Defendant
10 Alpine Fire Protection District
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PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES } ss.:

*JIM MAXWELL and KAY MAXWELL vs. COUNTY OF SAN DIEGO; ALPINE
FIRE PROTECTION DISTRICT; VIEJAS FIRE DEPARTMENT; DEPUTY
LOWELL BRYAN "SAM" BRUCE; DOES 1-50
USDC No.: 07 CV 2385 JAH WMc*

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 6080 Center Drive, Suite 800, Los Angeles, CA 90045-1574.

On January 10, 2008, I served on interested parties in said action the within NOTICE OF MOTION TO DISMISS, BY DEFENDANT ALPINE FIRE PROTECTION DISTRICT by placing a true copy thereof in sealed envelope(s) addressed as stated below as stated below and causing such envelope(s) to be deposited in the U.S. Mail at Los Angeles, California.

Charles G. La Bella
Steven T. Coopersmith
La Bella & McNamara LLP
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San Diego, California 92101

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Attorneys for co-defendant Viejas Fire Dept.

I deposited such envelope in the mail at Los Angeles, California. The envelope was mailed with postage thereon fully prepaid.

Executed on January 10, 2008, at Los Angeles, California.

1 I declare under penalty of perjury that I am employed in the office of a
2 member of the bar of this Court at whose direction the service was made and that the
3 foregoing is true and correct.

4 Theresa L. Welsch
(Type or print name)

/s/ Theresa Welsch

(Original Signed)

PROOF OF SERVICE BY FACSIMILE

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.:

*JIM MAXWELL and KAY MAXWELL vs. COUNTY OF SAN DIEGO; ALPINE
FIRE PROTECTION DISTRICT; VIEJAS FIRE DEPARTMENT; DEPUTY
LOWELL BRYAN "SAM" BRUCE; DOES 1-50
07 CV 2385 JAH WMc*

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NOTICE OF MOTION TO DISMISS, BY DEFENDANT ALPINE FIRE PROTECTION DISTRICT by

I caused the foregoing document to be served by facsimile transmission to each interested party at the facsimile machine telephone number shown as follows:.

The Honorable John A. Houston
Courtroom 11
E-mail: Houston@casd.uscourts.gov

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Attorneys for co-defendant Viejas Fire Dept.

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1 I declare under penalty of perjury that I am employed in the office of a
2 member of the bar of this Court at whose direction the service was made and that the
3 foregoing is true and correct.

4 Stephen M. Caine
(Type or print name)

/s/ Stephen M. Caine

(Signature)